Remarks

Claims 1-22 are now pending in this application. Claims 1-20 are rejected. Claims 21 and 22 are newly added. Claims 1, 2, 6-9, 12-14, and 18-20 have been amended. No new matter has been added.

A fee calculation sheet is submitted herewith for the newly added Claims 21 and 22.

The objections to Claim 7 is respectfully traversed. Applicant has amended Claim 7. Accordingly, Applicant respectfully requests that the objection to Claim 7 be withdrawn.

The rejection of Claims 1-8 and 10-19 under 35 U.S.C. § 102(b) as being anticipated by Burklin (U.S. Patent No. 5,848,028) is respectfully traversed.

Burklin describes a method and apparatus for synchronizing clocks of a plurality of devices connected to a network (column 1, lines 40-42). Every clock broadcasts (datagram distribution) its time periodically during a predefined broadcast period as determined by an associated broadcast period counter (column 1, lines 63-64). Every clock which receives a broadcast updates its time (column 2, line 1). User intervention initiates an immediate broadcast (column 2, line 5). Every clock should reset its internal time only in case of major and/or repeated differences to the time received (column 3, lines 64-66). The frequency of clock resets is a matter of design choice (column 3, lines 66-67).

Claim 1 recites a system for updating a time and a date of one of a plurality of electronic devices within the system, the system including "a communications network being coupled to each of said electronic devices within the network, wherein each of at least two of said electronic devices has a time and date set feature capable of being set by a user, wherein any one of said at least two electronic devices is configured to communicate the time and date set feature to any respective electronic device after having received a set instruction configured to automatically set a clock within any one of said at least two electronic devices, wherein said clock is automatically set when a change in time occurs, and any one of said at least two electronic devices is configured to communicate the time and date set feature until

remaining of said electronic devices within the communications network have been set".

Burklin does not describe or suggest a system for updating a time and a date of one of a plurality of electronic devices as recited in Claim 1. Specifically, Burklin does not describe or suggest a communications network being coupled to each of said electronic devices within the network, where any one of the at least two electronic devices is configured to communicate the time and date set feature to any respective electronic device after having received a set instruction configured to automatically set a clock within any one of the at least two electronic devices, where the clock is automatically set when a change in time occurs. Rather, Burklin describes that every clock should reset its internal time only in case of major and/or repeated differences to the time received and that the frequency of clock resets is a matter of design choice. For the reasons set forth above, Claim 1 is submitted to be patentable over Burklin.

Claims 2-5 depend on independent Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicant submits that Claims 2-5 likewise is patentable over Burklin.

Claim 6 recites a process for updating a time code and a date code of one of a plurality of electronic devices within a communications network, where each device comprises a microprocessor, a communications module, memory, and a key pad, the process including the following steps "reading the time code from the memory; sending the time code to the communications module; reading the date code from the memory; sending the date code to the communications module; sending time and date information from the communications module to all of the electronic devices within the network; and notifying the communications module of at least one of the time and date code before at least one of the time and date code is transmitted to the communications module".

Burklin does not describe or suggest a process for updating a time code and a date code of one of a plurality of electronic devices as recited in Claim 6. Specifically, Burklin does not describe or suggest notifying the communications module of at least one of the time and date code before at least one of the time and date code is transmitted to the communications module. Rather, Burklin describes

11

periodically broadcasting time during a predefined broadcast period as determined by
an associated broadcast period counter, updating time on reception of a broadcast, and
initiating an immediate broadcast when a user intervenes. For the reasons set forth
above, Claim 6 is submitted to be patentable over Burklin.

Claims 7-8 and 10-11 depend on independent Claim 6. When the recitations
of Claims 7-8 and 10-11 are considered in combination with the recitations of Claim
6, Applicant submits that Claims 7-8 and 10-11 likewise is patentable over Burklin.

Claim 12 recites an apparatus for updating a time variable of one of a plurality
of appliances within a communications network having a communications controller,
where the time variable comprises a time code and a date code, the apparatus
comprising "means for reading the time variable; means for sending the time code to
the communications module; means for sending the date code to the communications,
module; means for sending the time variable from the communications module to the
appliances on the network; and means for notifying the communications module of at
least one of the time and date code before at least one of the time and date code is
transmitted to the communications module".

Burklin does not describe or suggest an apparatus for updating a time variable
as recited in Claim 12. Specifically, Burklin does not describe or suggest means for
notifying the communications module of at least one of the time and date code before
at least one of the time and date code is transmitted to the communications module.
Rather, Burklin describes periodically broadcasting time during a predefined
broadcast period as determined by an associated broadcast period counter, updating
time on reception of a broadcast, and initiating an immediate broadcast when a user
intervenes. For the reasons set forth above, Claim 12 is submitted to be patentable
over Burklin.

Claim 13 recites a system for updating a time and a date of one of a plurality
of appliances within the system, the system including "a communications network
being coupled to each of said appliances within said network; and wherein each of at
least two of said appliances has a time and date set feature capable of being set by a
user; wherein any one of said at least two appliances is configured to communicate a
time and date set function to all respective appliances within the network after having

received a set instruction configured to automatically set a clock within any one of said at least two appliances, wherein said clock is automatically set when a change in time occurs".

Burklin does not describe or suggest a system for updating a time and a date of one of a plurality of appliances as recited in Claim 13. Specifically, Burklin does not describe or suggest a communications network being coupled to each of said appliances within said network, where any one of the at least two appliances is configured to communicate a time and date set function to all respective appliances within the network after having received a set instruction configured to automatically set a clock within any one of the at least two appliances, where the clock is automatically set when a change in time occurs. Rather, Burklin describes that every clock should reset its internal time only in case of major and/or repeated differences to the time received and that the frequency of clock resets is a matter of design choice. For the reasons set forth above, Claim 13 is submitted to be patentable over Burklin.

Claims 14-17 depend on independent Claim 13. When the recitations of Claims 14-17 are considered in combination with the recitations of Claim 13, Applicant submits that Claims 14-17 likewise are patentable over Burklin.

Claim 18 recites a system for updating a time code and a date code of an appliance within a communications network comprising a plurality of appliances, where each appliance includes a microprocessor, a communications module, memory, and a key pad, the system including "means for reading the time code from the memory; means for sending the time code to the communications module; means for reading the date code from the memory; means for sending the date code to the communications module; means for the communications module sending time and date information to the appliances with the network; and means for notifying the communications module of at least one of the time and date code before at least one of the time and date code is transmitted to the communications module".

Burklin does not describe or suggest a system for updating a time code and a date code of an appliance as recited in Claim 18. Specifically, Burklin does not describe or suggest means for notifying the communications module of at least one of the time and date code before at least one of the time and date code is transmitted to

the communications module. Rather, Burklin describes periodically broadcasting time during a predefined broadcast period as determined by an associated broadcast period counter, updating time on reception of a broadcast, and initiating an immediate broadcast when a user intervenes. For the reasons set forth above, Claim 18 is submitted to be patentable over Burklin.

Claim 19 depends on independent Claim 18. When the recitations of Claim 19 are considered in combination with the recitations of Claim 18, Applicant submits that Claim 19 likewise is patentable over Burklin.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-8 and 10-19 be withdrawn.

The rejection of Claims 8 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Burklin in view of Muller et al. (U.S. Patent No. 6,363,256) is respectfully traversed.

Burklin is described above. Muller et al. describe a clock management method. In the method, when a user has set the time of a base station by hand, the base station updates its clock CLK stored in a non-volatile memory (27) (column 3, lines 50-54). When the user has set the clock of the base station by hand, the base station updates its clock CLKb, sets a variable X1 to zero, and broadcasts the new time to all handsets, for example, by setting up a clock broadcasting proprietary link (column 4, lines 53-57).

Claim 8 depends on independent Claim 6 which recites a process for updating a time code and a date code of one of a plurality of electronic devices within a communications network, where each device comprises a microprocessor, a communications module, memory, and a key pad, the process including the following steps "reading the time code from the memory; sending the time code to the communications module; reading the date code from the memory; sending the date code to the communications module; sending time and date information from the communications module to all of the electronic devices within the network; and notifying the communications module of at least one of the time and date code before at least one of the time and date code is transmitted to the communications module".

14

Neither Burklin nor Muller et al., considered alone or in combination, describe or suggest a process for updating a time code and a date code of one of a plurality of electronic devices as recited in Claim 6. Specifically, neither Burklin nor Muller et al., considered alone or in combination, describe or suggest notifying the communications module of at least one of the time and date code before at least one of the time and date code is transmitted to the communications module. Rather, Burklin describes periodically broadcasting time during a predefined broadcast period as determined by an associated broadcast period counter, updating time on reception of a broadcast, and initiating an immediate broadcast when a user intervenes. Muller et al. describe updating the base station's clock CLKb, setting a variable X1 to zero, and broadcasting the new time to all the handsets when user has set the clock of the base station by hand. For the reasons set forth above, Claim 6 is submitted to be patentable over Burklin in view of Muller et al.

When the recitations of Claim 8 are considered in combination with the recitations of Claim 6, Applicant submits that dependent Claim 8 likewise is patentable over Burklin in view of Muller et al.

Claim 20 depends on independent Claim 18 which recites a system for updating a time code and a date code of an appliance within a communications network including a plurality of appliances, where each appliance includes a microprocessor, a communications module, memory, and a key pad, the system including "means for reading the time code from the memory; means for sending the time code to the communications module; means for reading the date code from the memory; means for sending the date code to the communications module; means for the communications module sending time and date information to the appliances with the network; and means for notifying the communications module of at least one of the time and date code before at least one of the time and date code is transmitted to the communications module".

Neither Burklin nor Muller et al., considered alone or in combination, describe or suggest a system for updating a time code and a date code of an appliance as recited in Claim 18. Specifically, neither Burklin nor Muller et al., considered alone or in combination, describe or suggest means for notifying the communications module of at least one of the time and date code before at least one of the time and

date code is transmitted to the communications module. Rather, Burklin describes periodically broadcasting time during a predefined broadcast period as determined by an associated broadcast period counter, updating time on reception of a broadcast, and initiating an immediate broadcast when a user intervenes. Muller et al. describe updating the base station's clock CLKb, setting a variable X1 to zero, and broadcasting the new time to all the handsets when user has set the clock of the base station by hand. For the reasons set forth above, Claim 18 is submitted to be patentable over Burklin in view of Muller et al.

When the recitations of Claim 20 are considered in combination with the recitations of Claim 18, Applicant submits that dependent Claim 20 likewise is patentable over Burklin in view of Muller et al.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 8 and 20 be withdrawn.

Moreover, Applicant respectfully submits that the Section 103 rejection of Claims 8 and 20 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Burklin in view of Muller et al., considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Burklin with Muller et al. because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.
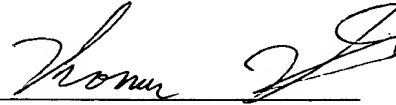
Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Burklin teaches that every clock should reset its internal time only in case of major and/or repeated differences to the time received and that the frequency of clock resets is a matter of design choice. Burklin also teaches periodically broadcasting time during a predefined broadcast period as determined by an associated broadcast period counter, updating time on reception of a broadcast, and initiating an immediate broadcast when a user intervenes. Muller et al. teaches updating the base station's clock CLKb, setting a variable X1 to zero, and broadcasting the new time to all the handsets when user has set the clock of the base station by hand. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant requests that the Section 103 rejections of Claims 8 and 20 be withdrawn.

For at least the reasons set forth above, Applicant respectfully requests that the rejections of Claims 8 and 20 under 35 U.S.C. 103(a) be withdrawn.

Newly added Claims 21 and 22 depend from independent Claim 1, which is submitted to be in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicant respectfully submits that Claims 21 and 22 are also patentable over the cited art.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

Thomas M. Fisher
Registration No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
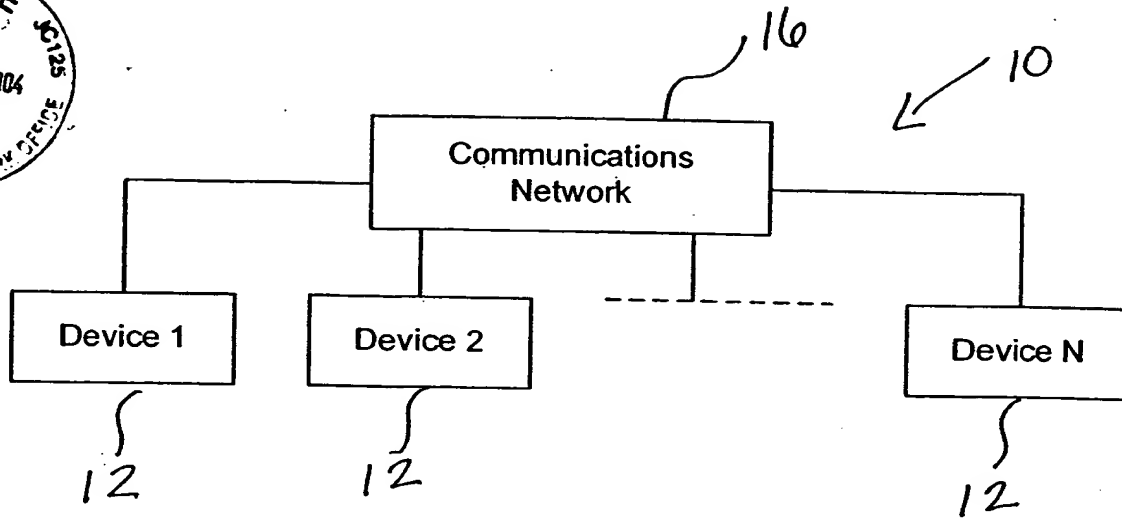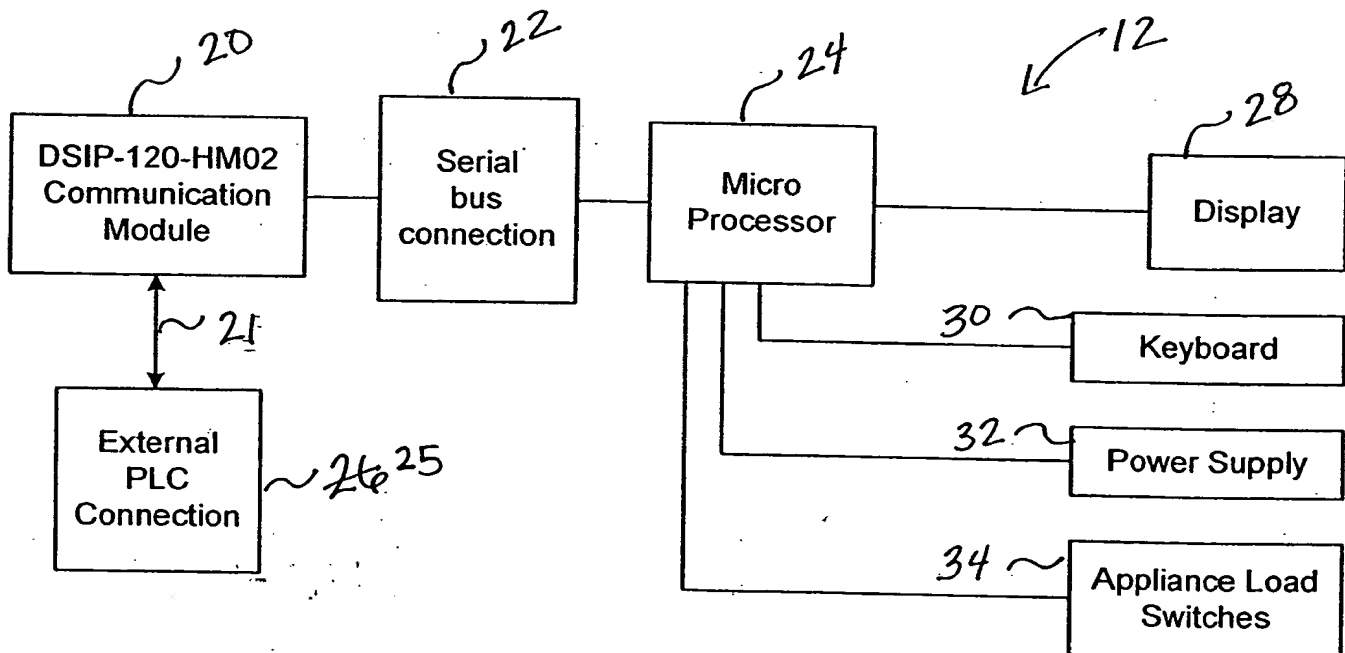St. Louis, Missouri 63102-2740
(314) 621-5070

OIPE
MAY 0 7 2004
PATENT & TRADEMARK OFFICE

16

10

Communications
Network

Device 1

Device 2

Device N

12

12

12

FIG 1

20

22

24

12

28

DSIP-120-HM02
Communication
Module

Serial
bus
connection

Micro
Processor

Display

21

30

Keyboard

External
PLC
Connection

26 25

32

Power Supply

34

Appliance Load
Switches

FIG 2